

REMARKS

Amendments to the Specification

The substitute specification submitted herewith amends the original specification to comply with 37 CFR §§1.52, 1.121(b)(3), and 1.125. Specifically, Tables 3-5 on pages 61-63 have been reformatted. A marked-up copy of the substitute specification is also provided. No new matter has been added.

Claims

Claims 1, 2 4-9, 11-40, 45-52 were pending. Claims 1, 2, 4-9, 11-18, 20-38, 49-52 have been canceled without prejudice. New claim 53 has been added. Claims 19, 39, 40, and 45-48 have been amended. Accordingly, claims 19, 39, 40, 45-48, and 53 are pending and claims 19, 45, and 48 are currently under examination.

Claim 19 has been amended to specify an isolated peptide “consisting of” a particular amino acid sequence.

Claims 39, 45, 46, and 48 have been amended to provide appropriate claim dependency.

Claims 39 and 46 have been further amended to specify a method of treating / prophylaxis or diagnosing / monitoring “hypersensitivity to a grass pollen of the subfamily Pooideae.”

Claims 40 and 47 have been amended to further specify that the condition of claim 39 and claim 46 is hypersensitivity to Rye grass or Timothy grass pollen.

Claim 48 has been further amended to specify a diagnostic kit relating to hypersensitivity to a grass pollen of the subfamily Pooideae.

New claim 53 depends from claim 48 and further specifies that the condition is hypersensitivity to Rye grass or Timothy grass pollen.

The foregoing amendments and cancellation of claims have been made solely to expedite prosecution and in no way should be viewed as acquiescence to any rejection. Support for these amendments can be found throughout the application and claims as originally filed. No new matter has been added. Applicants reserve the right to pursue the claims as originally filed in this or subsequent applications.

In light of the enclosed arguments, Applicants believe that all of the pending product claims are in condition for allowance and, therefore, request that withdrawn method claims 39,

40, 46, and 47 (which depend from or otherwise include all the limitations of the product claims) also be rejoined in accordance with the provisions of MPEP §821.04.

Rejection of Claims 2, 19, 27, 34, 36, 37, 45, and 48

Under 35 U.S.C. §112, Second Paragraph

Claims 2, 19, 27, 34, 36, 37, 45, and 48 are rejected as being indefinite. Specifically, the Examiner objects to the recitation of “X₂” in claim 2 and the lack of SEQ ID NOs in claims 2 and 27. To expedite prosecution, claims 2 and 27 have been canceled without prejudice. The Examiner’s objections do not pertain to the claims as currently pending. Therefore, this rejection is moot.

Rejection of Claims 2, 19, 27, 34, 36, 37, 45, and 48

Under 35 U.S.C. § 112, First Paragraph

Claims 2, 19, 27, 34, 36, 37, 45, and 48 are rejected as not being enabled. Specifically, the Examiner states that the specification is not enabling for the peptide genera encompassed by the claims. To expedite prosecution, the claims have been amended to specify an isolated peptide consisting of a particular amino acid sequence, *i.e.*, subject matter which is acknowledged by the Examiner to be enabled. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 2, 19, 27, 34, 36, 37, 45, and 48

Under 35 U.S.C. §112, First Paragraph

Claims 2, 19, 27, 34, 36, 37, 45, and 48 are rejected as not meeting the written description requirement. Specifically, the Examiner states that the specification does not adequately describe the peptide genera encompassed by the claims. To expedite prosecution, the claims have been amended to specify an isolated peptide consisting of a particular amino acid sequence. According to the Examiner, Applicant is in possession of this subject matter. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 2, 19, 27, 34, 36, 37, and 45 Under 35 U.S.C. §102(b)

Claims 2, 19, 27, 34, 36, 37, and 45 are rejected as being anticipated by Suphioglu *et al.* Specifically, the Examiner states that:

Suphioglu *et al.* teaches thirty 12-mer and four 13-mer peptides of Lol p 5, including Peptide 28 (consisting of amino acids 218-229 of Lol p 5) ... Peptide 28 comprises at least 5 contiguous amino acids of amino acids 190-245 of Lol p 5 ... Peptide 28 also comprises at least 5 amino acids of instant SEQ ID NO:53 (amino acids 217-236 of Lol p 5). Peptide 28 (218-229 of Lol p 5) “corresponds substantially” to SEQ ID NO:53 (amino acids 217-236 of Lol p 5). Peptide 28 exhibits reduced and ablated IgE binding ...

To expedite prosecution, the claims have been amended to specify isolated peptides consisting of defined amino acid sequences which are not taught by Suphioglu *et al.* Therefore, the pending claims are novel over Suphioglu *et al.*

Rejection of Claims 2, 19, 27, 34, 36, 37, 45, and 48 Under 35 U.S.C. §102(e)

Claims 2, 19, 27, 34, 36, 37, 45, and 48 are rejected as being anticipated by US 7,112,333. Specifically, the Examiner states that:

US 7,112,333 teaches twenty-eight 20-mer and one 19-mer peptides of Lol p 5, including SEQ ID NO:24/LIX-22 peptide (consisting of amino acids 211-230 of Lol p 5) and SEQ ID NO:25/LIX-23 peptide (consisting of amino acids 221-240) comprising a T cell epitope in a pharmaceutically acceptable carrier or diluent ... SEQ ID NO:24/LIX-22 and SEQ ID NO:25/LIX-23 each comprise at least 5 contiguous amino acids of amino acids 190-245 of Lol p 5 ...

To expedite prosecution, the claims have been amended to specify isolated peptides consisting of defined amino acid sequences which are not taught by US 7,112,333. Therefore, the pending claims are novel over US 7,112,333.

CONCLUSION

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. JKJ-003US from which the undersigned is authorized to draw.

Dated: November 12, 2009

Respectfully submitted,
Jeanne M. DiGiorgio

Electronic signature: /Jeanne M. DiGiorgio/

Registration No.: 41,710
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant